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Message Text

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70
ACTION ARA-10

INFO OCT-01 ISO-00 L-02 H-01 SCS-03 SCA-01 RSC-01 CIAE-00

INR-05 NSAE-00 SY-04 /028 W
---------- 027827
R 111741Z DEC 74
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1383
INFO AMEMBASSY BUENOS AIRES

LIMITED OFFICIAL USE SANTIAGO 7521

EO 11652: N/A
TAGS: CI, CASC
SUBJECT: DETENTION OF AMERICAN CITIZENS

REF: STATE 269174

1. PARAGRAPH (D) REFTEL STATES IN PART: QUOTE UNDER NO CIRCUMSTANCES SHOULD THE EMBASSY OR ANY EMBASSY OFFICER ACCEPT CUSTODY OF A DETAINED AMCIT AS A CONDITION OF RELEASE. END QUOTE.

2. WE ASSUME DEPARTMENT HAS ISSUED THIS FLAT PROHIBITION HAVING IN MIND PROBLEMS IN MEETING DEPARTMENT'S WORLD-WIDE PROTECTION RESPONSIBILITIES OF WHICH WE NOT FULLY AWARE. FROM OUR LIMITED VANTAGE POINT, WE SHOULD THINK THAT AT LEAST IN CERTAIN DEFINED CLASSES OF CASES THE INTERESTS OF DETAINED AMCITS WOULD BE SERVED BY PERMITTING POSTS TO EXERCISE SOME DISCRETION IN THIS MATTER.

3. CONSIDER, FOR EXAMPLE, OUR PROBLEM IN SANTIAGO. NATURALLY, WE HAVE BEEN RELUCTANT TO ACCEPT CUSTODY OF DETAINED AMCITS AS CONDITION OF RELEASE AND HAVE SOUGHT TO AVOID DOING SO WHERE POSSIBLE. ON OTHER HAND, TWICE IN RECENT MONTHS WE HAVE DONE SO INFORMALLY WHEN IT BECAME CLEAR THAT SUCH ACTION ON OUR PART WAS ONLY MEANS OF OBTAINING PROMPT RELEASE AMCIT. IT IS LIKELY THAT WE SHALL BE CONFRONTED WITH SIMILAR SITUATION IN
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4. IF THIS SHOULD HAPPEN, UNDER THE NEW STANDING ORDERS WE WOULD BE REQUIRED TO RESPOND NEGATIVELY TO A GOC REQUEST THAT WE ACCEPT CUSTODY OF A DETAINED AMERICAN CITIZEN, EVEN THOUGH THE AMCIT CONCERNED MIGHT BE EAGER TO TERMINATE HIS DETENTION ON THESE TERMS AND EVEN THOUGH FAILURE TO ACCEPT CUSTODY AND FACILITATE DEPARTURE OF AMCIT MIGHT LEAD TO A FURTHER PERIOD OF DETENTION, PERHAPS UNDER HIGHLY UNPLEASANT CIRCUMSTANCES. IN SUCH CIRCUMSTANCES, USG AND EMBASSY WOULD BE PLACED IN VERY DIFFICULT POSITION IF AMCIT'S RELEASE SHOULD BE DELAYED BECAUSE EMBASSY HAD HAD TO REFUSE TO ACCEPT CUSTODY.

5. IN PAST CASES IN WHICH WE HAVE INFORMALLY ACCEPTED CUSTODY, HAD WE NOT DONE SO AMCITS COULD HAVE CRITICIZED US WITH SOME COGENCY, NOTING THAT GOC SECURITY AUTHORITIES HAD BEEN WILLING TO ARRANGE RELASE INTO EMBASSY CUSTODY TO ASSURE COMPLIANCE WITH GOC REQUIREMENT FOR AMCITS' PROMPT DEPARTURE FROM COUNTRY; THAT AMCITS HAD GIVEN EMBASSY OFFICERS ASSURANCES OF WILLINGNESS TO COMPLY WITH THIS REQUIREMENT; AND THAT AMCITS HAD WANTED EMBASSY TO ACCEPT CUSTODY IN ORDER TO EFFECT PROMPT RELEASE FROM DETENTION.

6. WE WOULD APPRECIATE IT IF DEPARTMENT WOULD REVIEW ITS INSTRUCTION TO DETERMINE WHETHER IT COULD NOT AGREE THAT IN SUCH CIRCUMSTANCES, EXCEPTION TO RULE MAY BE JUSTIFIED. WE NOTE THAT IN OUR OWN CASES, ACCEPTANCE OF CUSTODY HAS BEEN INFORMAL -- I.E., NOT IN WRITING -- AND THAT PROCEDURE HAS BEEN USED AS WHAT APPEARED AT TIME TO BE NECESSARY STEP IN PHYSICALLY ASSISTING AMCIT TO OBTAIN QUICKEST POSSIBLE RELEASE AND DEPARTURE, ALONG LINES NOTED LAST PARA REFTEL.
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Draft Date: 11 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740360-0300
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741243/aaaabkvu.tel
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